

Iowa Judicial Branch
Digital Audio/Video Recording Technology (DART) Committee
Notes from the 6th Meeting (Final)
December 11, 2009; Des Moines

Attendance: see attached list of attendees

1. Welcome/overview by co-chairs

- The co-chairs reviewed the agenda
- Motion to approve notes from last meeting (Nov. 18) – approved unanimously

2. Review and discussion of the first draft of the committee's final report

- The first draft was prepared by the co-chairs and distributed to the members via email a few days before the meeting.
- The committee proceeded to review the draft one page at a time.
- A couple of the committee members commended the co-chairs on drafting a very balanced and well-written report.

Executive Summary

- The first paragraph in this section of the draft report briefly stated that due to the national recession, state revenues began to decline in early 2009 – so the judicial branch began looking for ways to save money, and that this was one of the reasons the Judicial Council appointed this committee. However, some members pointed out that, since the committee was not appointed to determine whether DART would save money for the judicial branch – and its final report would not address this question – it seemed inappropriate to begin the report with a statement that would lead readers to think the committee was intended to do such an analysis. The group agreed that the opening paragraph should be dropped from the Exec. Summary and the
- At the committee meeting on November 18, the group agreed that DART could be reliable and transcripts obtained from digital recordings could be accurate, and expressed those conclusions in wording that was later included in the first draft of the final report – and stated in the Executive Summary and in the “Introduction” section of the report (see below).
- Most of the discussion on this section focused on the wording of the “findings” regarding the *reliability* of DART and the *accuracy* of the transcripts obtained from digital recordings.
- After spending substantial time on how to reword these “findings” – the group decided to put these issues on hold and to review the remainder of the report first, since the Exec. Summary is a concise restatement of the findings at the end of the report.

Introduction

- The group agreed to drop the background information in the opening paragraph regarding the economic recession and DART as a possible cost-saving initiative.

I. The Committee's Information Gathering Process

- *D. Site Visits to seven jurisdictions that use DART*
 - There were some suggestions for amending the descriptions of a few of the site visit jurisdictions – to point out where parties or attorneys could obtain a copy of the digital recording of the hearing on a CD (e.g., Rochester, Willmar, and Salt Lake City) for \$10 or less.
 - Members who visited Wheaton, IL, requested revision of a paragraph describing concerns of court reporters in Wheaton regarding their DART system.
 - Members who visited Rochester and Minneapolis corrected a statement about the Minnesota courts.
 - The group agreed to highlight the finding mentioned in the descriptions of a couple site visits that most of the seven jurisdictions provide more support staff for their judges than the courts in Iowa – in addition to using DART. The group recommended adding a table that shows the number of support staff per judge in each site visit location – and to highlight this finding in the report.
- *I. Assessment of DART Costs*
- 1. DART Hardware Components in the Courtroom
 - The group agreed to add some clarification that the costs for cabling and wiring are included in the hardware installation costs.
 - They also recommended adding a footnote that the costs estimates do not reflect possible discounts that would accompany a large order.
 - There was some discussion of whether the cost estimates in Tables 4 and 5 included installation costs and whether they take into consideration the many old courthouses and courtroom that pose difficulties when new wiring is required. Scott Ruhnke, a senior manager in the judicial branch's Information Technology Services (ITS) division, explained that he and ITS staff have substantial experience in this area because they have been involved in wiring and installing computer systems to support the Iowa Court Information System (ICIS) in all the courthouses. He was involved in developing the cost estimates in Tables 4 and 5 and believes that the estimates do take these issues into account.
- 2. DART Management Software

- A member recommended that the report include a sentence to describe “confidence monitoring” as a critical feature of a DART system – and to clearly explain what that means.
- Another member recommended a better explanation of what “log notes”.
- The group agreed that the report co-chairs should add a “Glossary of Terms” section to the report – and include confidence monitoring and log notes in it.
- 3. Central I.T. Costs
 - The judicial branch ITS division already manages ICIS primarily from Des Moines, and backs up ICIS data from each county every night to the main ICIS data storage units in the Judicial Building. The cost estimates for DART include equipment that would be dedicated solely to backing up and storing digital recordings on storage devices in Des Moines -- in the same manner as ICIS data.
 - There was some discussion about the use of the term “centralized” when discussing DART due to ongoing concerns in many rural counties that a DART initiative is another strategy for centralizing or regionalizing court services.
 - The co-chairs agreed to look at ways to reword this section to alleviate such concerns.
- Tables 4 and 5: Cost Estimates for Digital Audio/Video Recording Systems
 - At the meeting in November, the committee agreed that these tables provided reasonable estimates of the costs associated with the purchase, installation, maintenance, and periodic updating of equipment for a statewide implementation of DART in all 316 courtrooms.
 - A member who was not at the meeting in November raised questions about the basis for these cost estimates. Committee staff explained that they were based on the cost estimates provided by the vendors who responded to the committee’s RFI in May, the four vendors who did presentations before the committee in June, and information obtained from the site seven visit jurisdictions. The estimates in Table 4 (the mid-level estimates) are based on the high-end estimate from the four vendors who did presentations (i.e., CourtSmart’s estimate of \$18,000 to \$20,000 per courtroom, installed). Salt Lake City also reported that they spend \$18,000 per courtroom for their audio-only system – and add \$4,000 per courtroom for a system that includes video (four cameras).
 - A member recommended that the report should be clear that the DART system should record on multiple tracks and that each microphone in the courtroom should be recorded on its own track. The group agreed.
 - A member recommended that the report note that the cost estimates do not include equipping judges’ chambers, and that – if DART is ever implemented in

Iowa -- there would probably need to be a policy that all proceedings that require a record should be conducted in the courtroom.

- A member recommended that the report include some explanation of the relationship between a DART system and the electronic document management system (EDMS) that the Iowa courts will be implementing soon around the state. Committee staff explained that DART would not have an impact on EDMS; they are parallel systems. The one connection would be that ITS staff in Des Moines would manage the regular backup of the digital recordings, just as they do for ICIS data.
- 6. Estimated Costs for Courtroom Support Staff to Manage the DART System
 - The group recommended clarifying the duties of a courtroom recording monitor/manager (CRM).
- Table 6: Costs for Three Types of Support Staff in Iowa District Courts
 - The tables show the maximum, current average, and minimum salary and benefits for court reporters, judicial assistants, and court attendant/clerical staff. It also shows the total costs to provide enough of each of these three types of staff (i.e., to provide .80 per full-time judge; .90 per full-time judge; and 1.0 per full-time judge).
 - An attendee (not a committee member) inquired how readers are to interpret the table, given that the report only describes what's in the table – not how the table should be used. Also, the courts in Minnesota and Wheaton all use court reporters to run their DART systems – and the DART Committee thinks that's the best practice. So – what's the point in showing the costs of other support staff?
 - A member explained that the courts in Utah and Alaska do not use court reporters to manage the DART equipment in the courtroom – and they are very satisfied with their recordings and transcripts. Table 6 provides estimates of the likely range of costs for different types of staff to perform the CRM function.

II. Committee's Findings on the Key Issues

In the draft report, the statement of the findings on each of the four key issues reflected the wording agreed upon by the committee at the last meeting.

- *Reliability*
 - The committee debated whether the finding on reliability should state that a CRM needed to be “certified” in addition to “qualified and trained”.
 - A vote was taken and a majority agreed to add “certified” to the requirements for a CRM.
- *Accuracy of the records obtained from digital recordings*

- The group agreed that “certified” should also be added to the requirements for a CRM in the statement of the finding on accuracy.
- *Statewide costs for a DART system (excluding courtroom support staff)*
 - One member argued to remove the phrase “reasonably estimated” should be changed because some people might conclude that the committee thinks the costs are reasonable. Committee staff briefly reiterated the basis for the estimates and that they are “reasonable.”
 - A committee member recommended changing “reasonable” to “informed” – which was approved by the committee.
- *Statewide costs to provide courtroom support staff to manage the DART system*
 - The committee agreed to change “reasonable estimates” to “informed estimates.”

3. Final comments and next steps

- A member suggested that the co-chairs include in their cover letter with the final report the following suggestions:
 - If the judicial branch moves to implement DART, the decision should be made as soon as possible to alleviate the considerable stress and anxiety among court reporters, and
 - If court reporters are to be replaced by judicial assistant or court attendant/clerical positions, the court reporters should be given the opportunity to take that position rather than being laid off.
- A co-chair suggested that, since the committee was not given the task to make recommendations – only findings on the key issues, members could send their own letters to the Judicial Council or Supreme Court to express their personal recommendations. The group agreed with this suggestion.
- The co-chairs will revise the draft based on the discussion at this meeting and email the updated version to committee members on Dec. 16.
- **Next meeting** will be via conference call – at 12:05 p.m. on Tuesday, Dec. 22.
 - The purpose will be to review the updated draft of the final report.
 - Committee staff will email the conference call instructions to the committee the day before the conference call
 - The conference call will be accessible by the public; committee staff will post the instructions on the “Announcements” section of the DART web page on the judicial branch website.

Meeting adjourned at 2:45 p.m.